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RESOLUTION NO. 125-97

**A RESOLUTION OF THE NAVAJO COUNTY
BOARD OF SUPERVISORS, ADOPTING THE
"NAVAJO COUNTY JUSTICE COURT ADMINIS-
TRATIVE FEES ORDINANCE."**

WHEREAS, A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to adopt fee schedules for specific products and services the county provides to the public; and

WHEREAS, the Arizona Attorney General has determined that A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to direct Justice Courts to collect any established court-related fees"; and

WHEREAS, the Board of Supervisors finds that it is appropriate to adopt a fee schedule whereby the county may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment; and

WHEREAS, the Court Administrator has performed an analysis of the administrative fee that will allow the county to defray the actual costs of services provided by the Justice Courts in these three subject areas; and

WHEREAS, the Board of Supervisors finds that the adoption of a fee schedule and ordinance for the imposition of these fees is an appropriate exercise of the Board's authority pursuant to A.R.S. § 11-251.08(A),

NOW, THEREFORE, the Board of Supervisors hereby resolves as follows:

1. Adoption of the "Navajo County Justice Court Administrative Fees Ordinance."


The "Navajo County Justice Court Administrative Fees Ordinance," Ordinance No. 97-02, is hereby adopted in the form attached hereto.

PASSED AND ADOPTED on November 17, 1997, at Holbrook, Navajo
County, Arizona.



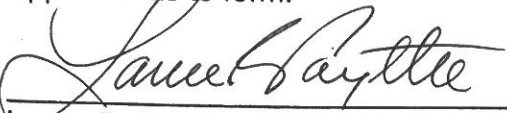
Jesse Thompson
Chairman, Navajo County Board of Supervisors

Attest:



Judy Jones
Clerk of the Board

Approved as to form:



Lance B. Payette
Deputy County Attorney

JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE

An ordinance adopted pursuant to A.R.S. § 11-251.08(A), establishing certain administrative fees for the Justice Courts in Navajo County in order to defray Court automation costs, costs associated with issuing and processing Failure to Appear warrants, and costs associated with collecting civil traffic sanctions in cases of default.

SECTION 1: AUTHORITY / PURPOSE / JURISDICTION / TITLE

- 1.1 **Authority.** Navajo County is authorized by Section 11-251.08(A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public. In Arizona Attorney General Opinion No. 195-63 (December 18, 1995), the Attorney General determined that A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to direct Justice Courts to collect any established court-related fees."
- 1.2 **Purpose.** It is the purpose of this ordinance to establish an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.
- 1.3 **Jurisdiction.** This ordinance shall apply to all Justice Courts in Navajo County.
- 1.4 **Title.** This ordinance shall be known as the Navajo County Justice Court Administrative Fees Ordinance.

SECTION 2: FEE TO DEFRAY COURT AUTOMATION COSTS

- 2.1 **Basis for Court Automation Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court have established a coordinated plan for the automation of cases and cash-flow management. The Board of Supervisors has entered into an agreement with the Administrative Office of the Arizona Supreme Court to reimburse a prorated share of the costs associated with the annual maintenance and support of automation equipment and programs. The Court Administrator has performed an analysis of the number of cases closed in the Justice Courts and the Superior Court over a four-year period, as well as the annual cost of court automation, and has determined that the actual cost of court automation on a per-case basis exceeds \$1.00 per case.
- 2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$1.00 per case to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surcharges imposed in each criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which judgment is entered in favor of the state. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and held in a separate account for the sole purpose of defraying costs associated with the annual maintenance and support of court automation equipment and programs. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 2.3 **Annual Review.** The fee imposed by Section 2.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

- 3.1 **Basis for FTA Warrant Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$150.00 per case.
- 3.2 **FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 3.3 **Annual Review.** The fee imposed by Section 3.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the issuance and processing of FTA warrants. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

- 4.1 **Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$30.00 per case.
- 4.2 **Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 4.3 **Annual Review.** The fee imposed by Section 4.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 5: SEVERABILITY

If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

(Res # 125-97)
NAVAJO COUNTY
ORDINANCE NO. 97-02

JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE

An ordinance adopted pursuant to A.R.S. § 11-251.08(A), establishing certain administrative fees for the Justice Courts in Navajo County in order to defray Court automation costs, costs associated with issuing and processing Failure to Appear warrants, and costs associated with collecting civil traffic sanctions in cases of default.

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- 1.2 **Purpose.** It is the purpose of this ordinance to establish an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.
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- 2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$1.00 per case to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surcharges imposed in each criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which judgment is entered in favor of the state. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and held in a separate account for the sole purpose of defraying costs associated with the annual maintenance and support of court automation equipment and programs. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 2.3 **Annual Review.** The fee imposed by Section 2.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and

programs. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

- 3.1 Basis for FTA Warrant Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$150.00 per case.
- 3.2 FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 3.3 Annual Review.** The fee imposed by Section 3.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the issuance and processing of FTA warrants. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

- 4.1 Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately \$30.00 per case.
- 4.2 Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of \$30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.
- 4.3 Annual Review.** The fee imposed by Section 4.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

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If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

Originals for
Resolution # 125-97

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copies.